Court File No.

IN THE FEDERAL COURT OF CANADA

IN THE TRIAL DIVISION

B E T W E E N:

GLAD DAY BOOKSHOP INC. and
JEARLD MOLDENHAUER

Applicants

- and -

HER MAJESTY THE QUEEN,
MINISTER of NATIONAL REVENUE and
DEPUTY MINISTER of NATIONAL REVENUE for
CUSTOMS and EXCISE

Respondents

NOTICE OF MOTION

Take notice that the Plaintiffs Jearld Moldenhauer will make a motion to the Court on day, [] , 1989, at [] , at 330 University Avenue, 8th Floor, Toronto, Ontario.

THE MOTION IS FOR:

(1) An order that the detained goods be returned and delivered to the plaintiff forthwith;

(2) a declaration that these goods have been detained unlawfully; and

(3) such further and other relief as counsel shall advise and this Honourable Court permits.

THE GROUNDS FOR THE MOTION ARE:

1) The system of customs censorship is a system of prior restraint which can only be upheld if there is a prompt judicial determination of any purported obscenity.

2) Such other grounds as counsel shall advise and this Honourable Court permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

(A) The affidavit of the Jearld Moldenhauer, sworn October 25, 1989;

(B) The pleadings and proceedings herein;

(C) Such further and other material as counsel may advise and this Honourable Court permit.

Dated at Toronto, this [] day of [October], 1989.

ILER, CAMPBELL & ASSOCIATES
150 Simcoe Street
Toronto, Ontario
M5H 3G4

(416) 598-0103

Charles Campbell
Solicitor for the Plaintiff[s]

TO: []

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NOTICE OF MOTION

ILER, CAMPBELL AND ASSOCIATES
Barristers and Solicitors
150 Simcoe Street
Toronto, Ontario
M5H 3G4

(416) 598-0103

CHARLES CAMPBELL
Solicitor for the Applicants

(2) *Indorsement for a notice of appeal, a notice of an originating motion or other originating document other than a statement of claim or declaration:*

Notice to the ..... .

You are required to take cognizance of the within (notice of appeal or as the case may be) and make opposition thereto in accordance with its terms and the appropriate provision of the Rules of this Court.

If you fail to do so, you will be subject to have such judgment given as the Court may think just on the (appellant's or as the case may be) own showing.

Note: (1) Copies of the Rules of Court, information concerning the local offices of the Court, and other necessary information may be obtained on application to the Registry of this Court at Ottawa (telephone 613-992-4238) or at any local office thereof.

(2) This (notice of appeal or as the case may be) is filed by ..... of ....., attorney or solicitor for the within named (appellant or as the case may be).

(2) The appendix to the said Rules is further amended by adding thereto, immediately after Form 7 thereof, the following form:

FORM 7.1

(Rule 319)

NOTICE OF MOTION

(Titles of Court and Action — Forms 1 and 2)

Take notice that ..... (*identify the party*) **will make a motion to the Court** (*indicate the day, time and place the motion will be heard unless the motion is made pursuant to Rule 324*).

The motion is for (*state here the precise relief sought*).

The grounds of the motion are (*specify the grounds intended to be argued, including a reference to any statutory provision or rule to be relied on*).

The following documentary evidence will be presented (*list the documentary evidence to be used*).

Dated at ..... this ..... day of ....., 19.....

.....
Counsel for .....

(3) The appendix to the said Rules is further amended immediately after Form 52 thereof, the following form:

FORM 52.1

(Rule 1048(1)

NOTICE OF REGISTRATION OF A FOREIGN JUDGMENT OR OF AN ARBITRAL AWARD

(Titles of Court and Action — Forms 1 and 2)

To G.H. of .....
Take notice that, on an (*ex parte*) application having been made by A.B. o ....., this Court has ordered the registration of the following judgment

(*Recite here the text of the judgment being registered.*)

The Order for Registration of the Court states as follows:

(***Recite here the text of the order for registration.***)

And take notice that you have the right to apply to this Court to have the orde for registration set aside. The application must be made within . days of th day of service of this notice or within such extended period as the Court, o application, may permit. If no such application is made, A.B. may apply t enforce the judgment.
And take notice that A.B.'s address for service in Canada is .....
.....
Dated at ..... this ..... day of ....., 19.....
.....
Counsel for .....